

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

Hearing Date: **July 19, 2011**  
Hearing Time: **9:15 a.m.**

IN RE:

and Timothy R. Martin,

DEBTOR(S).

CASE NO.: 09-10106-rel

Chapter: 13

JUDGE: ROBERT E. LITTLEFIELD, JR.

X

**NOTICE OF SETTLEMENT**

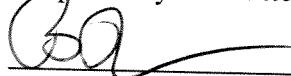
SIRS:

**PLEASE TAKE NOTICE** that the attached proposed order will be presented for settlement to the Honorable Judge Robert E. Littlefield, Jr. at the United States Bankruptcy Court, Northern District of New York, located at 327 James T. Foley US Courthouse, 445 Broadway, Suite 330, Albany, NY 12207, on July 19, 2011 at 9:15 a.m.

**PLEASE TAKE FURTHER NOTICE** that the attached proposed order is being served upon you on July 5, 2011. Pursuant to Local Bankruptcy Rule 9021-1, if you intend to submit any counter proposal you must serve upon the undersigned a written counter proposal to the order attached hereto not later than seven (7) days from service hereof. In the event that no written counter proposal is received, the order attached hereto shall be submitted to the Court. If a counter proposal is timely received, it shall be submitted, together with the proposed order to the Court.

Dated: July 5, 2011  
Albany, New York

Respectfully Submitted,



ROSICKI, ROSICKI, & ASSOCIATES, P.C.  
By: Barbara Dunleavy, Esq.  
Attorneys for Movant  
Main Office  
51 E Bethpage Road  
Plainview, NY 11803  
516-741-2585

TO:

Timothy R. Martin and Robin L. Martin dba Sincerely Yours,  
20 Lee Avenue  
Schenectady, NY 12303

Timothy R. Martin and Robin L. Martin dba Sincerely Yours and Robin L. Martin dba Sincerely  
Yours  
20 Lee Avenue  
Schenectady, NY 12303

Richard Croak, Esq.  
314 Great Oaks Blvd  
Albany, NY 12203

Andrea Celli, Esq.  
7 Southwoods Boulevard  
Albany, NY 12211

Tracy Hope Davis, Esq.  
74 Chapel Street, Suite 200  
Albany, NY 12207

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

CASE NO.: 09-10106-rel

Timothy R. Martin and Robin L. Martin  
dba Sincerely Yours,

Chapter: 13

DEBTORS. JUDGE: ROBERT E. LITTLEFIELD, JR.

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**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY**

Coming before the Court on June 2, 2011, was the motion of U.S. Bank N.A. ("Movant") for relief from the automatic stay, Debtors' opposition thereto, the Trustee's Limited Opposition thereto which was subsequently withdrawn, and following oral argument by counsel for Movant and counsel for Debtors, and this Court having made no finding as to any of Debtor's allegations regarding Movant's standing, it is hereby

**ORDERED** that the automatic stay instituted upon filing of the within bankruptcy case is hereby terminated pursuant to 11 U.S.C. §362(d)(1) as to Movant, its

successors and/or assigns lien interest in the property known as 20 Lee Avenue, Schenectady, NY 12303, and it is further

**ORDERED** that the Movant shall immediately provide an accounting to the trustee of any surplus monies realized, and it is further

**ORDERED** that the stay invoked pursuant to F.R.B.P. 4001(a)(3) is waived and this order is effective upon the signing of this order.

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

and Timothy R. Martin,

CASE NO.: 09-10106-rel

Chapter: 13

DEBTOR(S).

-----X

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**NOTICE OF SETTLEMENT OF AN ORDER**

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**ROSICKI, ROSICKI & ASSOCIATES, P.C.**

**Attorneys for Movant**

Main Office 51 E Bethpage Road

Plainview, NY 11803

516-741-2585

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

-----X

IN RE:

and Timothy R. Martin,

DEBTOR(S).

CASE NO.: 09-10106-rel

Chapter: 13

JUDGE: ROBERT E. LITTLEFIELD, JR.

**Affidavit of Service**

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STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NASSAU )

Barbara Dunleavy, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in Nassau, New York.

On July 5, 2011, I served the within Notice of Settlement on the following parties, by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Timothy R. Martin and Robin L. Martin dba Sincerely Yours,  
20 Lee Avenue  
Schenectady, NY 12303

Timothy R. Martin and Robin L. Martin dba Sincerely Yours and Robin L. Martin dba Sincerely Yours  
20 Lee Avenue  
Schenectady, NY 12303

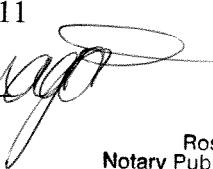
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Andrea Celli, Esq.  
7 Southwoods Boulevard  
Albany, NY 12211

Tracy Hope Davis, Esq.  
74 Chapel Street, Suite 200  
Albany, NY 12207

  
Barbara Dunleavy

Sworn to before me this  
5<sup>th</sup> day of July, 2011

  
NOTARY PUBLIC

Rose Saramago  
Notary Public, State of New York  
No. 01SA6163060  
Qualified in Suffolk County  
Commission expires March 19, 2015

**ROSICKI, ROSICKI & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

*Main Office: 51 East Bethpage Road*

*Plainview, New York 11803*

*Telephone (516) 741-2585*

*Facsimile (516) 873-7243*

July 5, 2011

Chambers of the Honorable Robert E. Littlefield, Jr.  
United States Bankruptcy Court  
Northern District of New York  
327 James T. Foley US Courthouse  
445 Broadway, Suite 330  
Albany, NY 12207

**Re: Debtor: and Timothy R. Martin  
Bankruptcy Case No.: 09-10106-rel  
Chapter: 13**

Dear Sir or Madam:

Our office represents US Bank, NA, secured creditor of the above referenced debtor.

On June 2, 2011 our office appeared before the Court on our client's Motion for Relief. Said Motion was granted and we were directed to submit an order granting relief, on consent, on or before July 5, 2011. A proposed consent order was provided to Debtor's counsel. Debtor's counsel requested a change. The requested change was made, however, we have not received the signed order back from the Debtor's counsel. Hence, we are settling the order on notice. Therefore, enclosed herewith you will find one Chambers copy and one copy of a Notice of Settlement of an Order, scheduled for presentment on July 19, 2011 at 9:15 a.m. Please note that pursuant to Local Rules, the order will be uploaded electronically after the return date of the motion.

If you have any question, please feel free to contact me. Thank you.

Very truly yours,

ROSICKI, ROSICKI & ASSOCIATES, P.C.

By:



Barbara Dunleavy, Esq.

*Enclosures*